

LIBELED: 1-14-63, W. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed chicken or turkey meat while held for sale.

DISPOSITION: 2-5-63. Default—destruction.

29081. Canned turkey breasts. (F.D.C. No. 48682. S. No. 30-947 V.)

QUANTITY: 459 cases, each containing 24 1-lb. 8-oz. cans, at Los Angeles, Calif.

SHIPPED: 11-1-62, from Chicago, Ill.

LIBELED: 1-18-63, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed turkey meat while held for sale.

DISPOSITION: On 3-4-63, Ralphs Grocery Co., Los Angeles, Calif., claimed the article. On 4-1-63, an order was filed pursuant to stipulation of the parties which order permitted the claimant and the Government to make a visual examination of the article. On 4-26-63, the Government filed a motion for summary judgment. On 5-6-63, the Government's motion for summary judgment came on for hearing and evidence was taken. The court found, among other things, that when the article was seized by the United States marshal, it was under refrigeration and it had been stored under refrigeration continuously subsequent to that time on the premises where it was seized; that there were cans of abnormal appearance in each of the 3 codes of the article; that because the percentage of abnormal cans increased from 16.6% on 1-3-63 to 44% on 4-8-63, there was strong evidence of progressive decomposition of the article; that the Government's examination of a sample consisting of 24 cans in their unopened state showed that 15 cans were abnormal in appearance; that those abnormalities were typically associated with internal gas formation and decomposition of the contents; and that 7 abnormal appearing cans and 5 normal appearing cans were opened and each can contained decomposed turkey meat. The court thereupon concluded that the article was adulterated and, on 5-20-63, ordered its destruction.

29082. Canned turkey breasts and canned chicken breasts. (F.D.C. No. 48674. S. Nos. 30-945/46 V.)

QUANTITY: 445 cases of turkey and 254 cases of chicken, each case containing 6 1-lb. 8-oz. cans, at Los Angeles, Calif.

SHIPPED: 9-10-62 and 11-1-62, from Chicago, Ill.

LIBELED: 1-15-63, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed turkey or chicken meat while held for sale.

DISPOSITION: On 7-1-63, a default decree was entered condemning the articles. The decree provided that Certified Grocers of California, Ltd., which had withdrawn its claim to the articles, be allowed to obtain 3 cans from each of 6 codes, for analyses, and that the claimant pay the court costs. The remainder of the articles were destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

29083. Barbecue sauce. (F.D.C. No. 48654. S. No. 4-037 V.)

QUANTITY: 85 cases, each containing 12 1-lb. 4-oz. jars, at Richmond, Va.

SHIPPED: Prior to 7-6-62, from Baltimore, Md., by J. H. Filbert, Inc.